

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KRYSTAL BELL, as personal representative
of JACOB ADAM MITSCHELEN, deceased,

Plaintiff,

v.

Cause No. 11-cv-0907 JCH/LAM

CITY OF ALBUQUERQUE,

Defendant.

JOINT MOTION TO REQUEST FAIRNESS HEARING

COME NOW parties, Plaintiff, Krystal Bell, as personal representative of Jacob Adam Mitschelen, deceased, and on behalf of Keira Mitschelen, a minor, by and through by and through counsel of record, Paul Kennedy & Associates, PC (Paul Kennedy, Esq. and Arne Leonard, Esq.), and the Defendant, City of Albuquerque, by and through counsel of record, Walz and Associates (Jerry A. Walz, Esq.), and move for the entry of an order of the Court approving the settlement reached by the Parties at the RULE 16 Settlement Conference held on January 13, 2014, involving a minor to protect the interests of the child with regard to the settlement.

In support of this Motion, the Parties state that they have settled this matter and that the settlement must be approved by the Court as to the fairness and reasonableness of the settlement for the minor, Keira Mitschelen. The Parties have agreed to the appointment of a *Guardian Ad Litem*.

WHEREFORE, the parties respectfully request that a telephonic fairness hearing be set for the approval of the minor, Keira Mitschelen's settlement in this matter.

Respectfully submitted,

PAUL KENNEDY & ASSOCIATES, PC

By Electronically signed /s/ Paul Kennedy

Paul Kennedy, Esq.

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